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In re Application of :
ALTMEYER, Gerd *et al* :
U.S. Application No.: 09/446,523 :
PCT No.: PCT/EP97/04630 :
Int. Filing Date: 25 August 1997 : DECISION
Priority Date: None :
Attorney's Docket No.: 39252 :
For: FILTER ELEMENT WITH PLASTIC FILTER
CASING :
:

This decision is in response to the declaration filed 28 December 1999 naming the fourth inventor Ute Lehmann. The communication is treated as request to change the name of an inventor. The \$130.00 petition fee has been charged to Deposit Account No. 18-2220.

BACKGROUND

On 25 August 1997, applicants filed international application PCT/EP97/04630. A copy of the international application was communicated from the International Bureau to the United States Patent and Trademark Office on 04 March 1997.

On 05 August 1998, a Demand was filed with the International Preliminary Examination Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date. Accordingly, the deadline for submission of a copy of the international application and payment of the basic national fee was extended to expire thirty months from the priority date, *i.e.*, 28 February 2000.

On 28 December 1999, applicants filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 which included an executed declaration, a German language certificate, and authorization to charge Deposit Account No. 18-2220 for any additional fees. The last name of the fourth inventor in the declaration is listed as "LEHMANN," while it is listed as "ZENNER" on the international publication.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the Manual of Patent Examining

Procedure (MPEP) states, in part:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

In this case, applicants have not submitted an affidavit signed with both names of the inventor, *i.e.* Ute Zenner and Ute Lehmann, or included a certified copy of the court order authorizing the name change. Instead, applicants submitted what appears to be a copy of a German document regarding the above-mentioned inventor. However, an English translation did not accompany this document, so it will not be considered.

Accordingly, the declaration is not in compliance with 37 CFR 1.497(a).

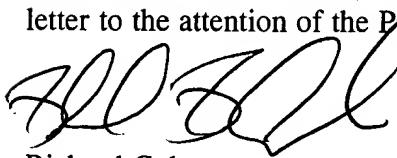
CONCLUSION

For the reasons above, the petition is **DISMISSED** without prejudice.

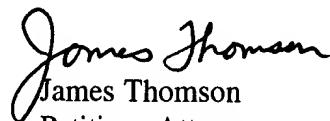
If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

A proper response must satisfy the requirement of section 605.04(c) of the MPEP and include an English translation of any foreign documents submitted. Failure to file a proper response within the period for response as set forth above, or as extended by any petitions for extensions of time under 37 CFR 1.136(a), will result in the abandonment of the application.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the **PCT** Legal Office.



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